

UNITED STATES DISTRICT COURT

for the

District of Minnesota

UNITED STATES OF AMERICA

v.

Case No.

13-mj-688 AJB

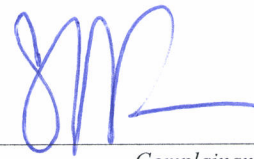
JAMES KENT JOHNSON

CRIMINAL COMPLAINT

I, Steven Foreman, a law enforcement officer assigned to the Bureau of Alcohol, Tobacco, Firearms & Explosives ("ATF"), the undersigned complainant, being duly sworn, state the following is true and correct to the best of my knowledge and belief. On or about July 10, 2013, in Olmsted County, in the State and District of Minnesota, the defendant, James Kent Johnson, having previously been convicted of crimes punishable by imprisonment for a term exceeding one year, at least three of which were violent felonies committed on occasions different from one another, did knowingly and unlawfully possess, in and affecting interstate commerce, a firearm, that is, a Browning, Model Buckmark, .22 caliber pistol, serial number 655NT24580, in violation of Title 18, United States Code, Sections 922(g)(1) and 924(e)(1).

I further state that I am a Special Agent assigned to the ATF and that this Complaint is based on the following facts:

SEE ATTACHED AFFIDAVIT

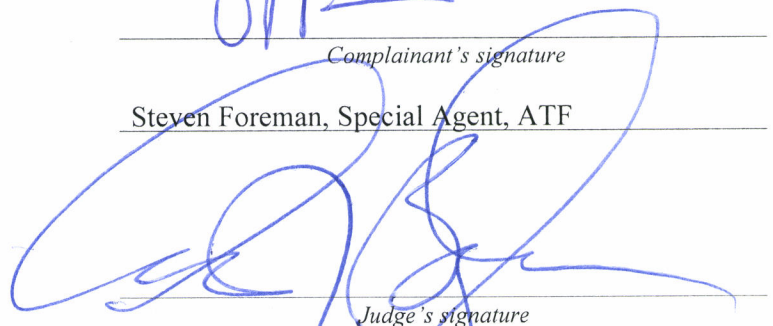
Continued on the attached sheet and made a part hereof: ☒ Yes ☐ No

Complainant's signature

Steven Foreman, Special Agent, ATF

Sworn to before me and signed in my presence.

Date: 10/11/13



Judge's signature

City and state: Minneapolis, Minnesota

Arthur J. Boylan, Chief U.S. Magistrate Judge



STATE OF MINNESOTA)

) ss.

AFFIDAVIT OF STEVEN FOREMAN

COUNTY OF HENNEPIN)

I, Steven Foreman, being duly sworn under oath, state as follows:

1. I am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives ("ATF") and have been so employed since September 7, 2003. I am assigned to the Saint Paul Field Division of the Saint Paul Field Office of the ATF. I have had extensive training in federal crimes dealing with the possessing and trafficking of firearms. I have also participated in numerous criminal investigations for the ATF. Prior to becoming an ATF agent, I worked as a Border Patrol Agent in Laredo, Texas for five years.

2. This affidavit is submitted in support of a criminal complaint and arrest warrant for James Kent Johnson charging him with knowingly and unlawfully possessing, in and affecting interstate commerce, a firearm, that is, a Browning, Model Buckmark, .22 caliber pistol, serial number 655NT24580 ("the subject firearm"), after he was previously convicted of crimes punishable by imprisonment for a term exceeding one year, at least three of which were violent felonies committed on occasions different from one another, in violation of Title 18, United States Code, Sections 922(g)(1) and 924(e)(1). The information set forth in this affidavit is based on discussions I have had with other law enforcement agents.

3. On July 10, 2013, the police executed a search warrant at a residence in Rochester, Minnesota. In the corner of the basement of the residence, the police discovered a make-shift bedroom which was formed by a sheet hanging from the rafters.


Inside this bedroom, the police seized various drug paraphernalia and a receipt with the name "James Johnson" on it. Just outside of the sheet, and very near to the mattress of the bedroom, the police seized the subject firearm and a disassembled DPMS, Model AR-15, .223 caliber rifle. Next to these firearms, the police located a box which contained mail addressed to "James Johnson." The subject firearm was later examined and determined to be firearm as defined by federal law which was manufactured outside the State of Minnesota.

4. Later that day, the police arrested James Kent Johnson and interviewed him. Johnson admitted that he lived in the bedroom and that he had "handled" the firearms within the last few days. He stated that the police would find his DNA on the firearms, but he denied ownership of them. He said that the firearms were in the basement when he moved into the residence in early July 2013.

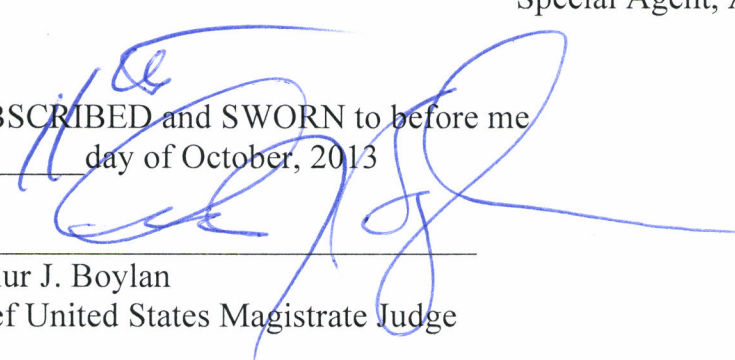
5. A criminal records check for James Kent Johnson reveals that he has numerous prior felony convictions, including convictions for aggravated robbery and first degree burglary in Olmsted County, Minnesota, on August 6, 1998, aggravated robbery and first degree burglary in Ramsey County, Minnesota, on February 12, 1999, first degree burglary in Olmsted County, Minnesota, on March 10, 2008, and terroristic threats in Olmsted County, Minnesota, on January 9, 2009, all violent felonies committed on occasions different from one another.

6. Based on the foregoing, there is probable cause to believe that on or about July 10, 2013, in Olmsted County, in the State and District of Minnesota, the defendant, James Kent Johnson, having previously been convicted of crimes punishable by imprisonment

for a term exceeding one year, at least three of which were violent felonies committed on occasions different from one another, did knowingly and unlawfully possess, in and affecting interstate commerce, a firearm, that is, a Browning, Model Buckmark, .22 caliber pistol, serial number 655NT24580, in violation of Title 18, United States Code, Sections 922(g)(1) and 924(e)(1).



Steven Foreman
Special Agent, ATF



SUBSCRIBED and SWORN to before me
this ____ day of October, 2013

Arthur J. Boylan
Chief United States Magistrate Judge